

House File 372 - Introduced

HOUSE FILE 372

BY HALL

A BILL FOR

1 An Act establishing a state poison control center support fund,
2 authorizing assessments, and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 505.26 State poison control center
2 support fund — assessment — appropriation.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "*Commissioner*" means the commissioner of insurance.

6 b. "*Fund*" means the state poison control center support
7 fund.

8 c. "*Health carrier*" means an insurer providing accident
9 and sickness insurance under chapter 509, 514, or 514A, and
10 includes a health maintenance organization established under
11 chapter 514B if payments received by the health maintenance
12 organization are considered premiums pursuant to section
13 514B.31 and are taxed under chapter 432. "*Health carrier*" also
14 includes a corporation which becomes a mutual insurer pursuant
15 to section 514.23 and any other person as defined in section
16 4.1, subsection 20, who is or may become liable for the tax
17 imposed by chapter 432.

18 d. "*Health insurance*" means accident and sickness insurance
19 authorized by chapter 509, 514, or 514A.

20 e. "*State poison control center*" means the state poison
21 control center established by the department of public health
22 pursuant to 2000 Iowa Acts, chapter 1221, section 1.

23 2. a. A state poison control center support fund is created
24 in the state treasury under the authority of the department of
25 public health. Moneys appropriated to and all other moneys
26 specified for deposit in the fund shall be deposited in the
27 fund and used for the funding and support of the state poison
28 control center.

29 b. The fund shall be separate from the general fund of the
30 state and shall not be considered part of the general fund of
31 the state. The moneys in the fund shall not be considered
32 revenue of the state, but rather shall be funds of the state
33 poison control center. The moneys deposited in the fund are
34 not subject to section 8.33 and shall not be transferred, used,
35 obligated, appropriated, or otherwise encumbered, except to

1 provide for the support of the state poison control center.
2 Notwithstanding section 12C.7, subsection 2, interest or
3 earnings on moneys deposited in the fund shall be credited to
4 the fund.

5 *c.* The department of public health shall adopt rules
6 pursuant to chapter 17A to administer the fund and payments
7 made from the fund.

8 *d.* Moneys in the fund are appropriated to the department
9 of public health and shall be used by the department for the
10 purposes of the state poison control center. The department
11 shall be the administrator of the fund for auditing purposes.

12 3. All health carriers that report total health insurance
13 premiums and payments for subscriber contracts and paid losses
14 in this state in excess of one hundred thousand dollars per
15 year shall annually pay an assessment for deposit into the
16 fund as determined by the commissioner under subsection 4.
17 The amount of assessments paid into the fund each year shall
18 total five hundred thousand dollars. Beginning in 2015, the
19 commissioner shall, on or before March 1 of each calendar year,
20 publish an adjustment to the total amount of the assessments
21 that must be paid into the fund that year equal to the
22 percentage change in the United States department of labor
23 consumer price index for all urban consumers in the preceding
24 calendar year.

25 4. *a.* Beginning on April 1, 2014, and April 1 of each
26 calendar year thereafter, the commissioner shall determine
27 the amount assessable to each health carrier in the state for
28 deposit into the fund as provided in subsection 3. Health
29 carriers in the state shall be assessed in proportion to
30 their respective shares of total health insurance premiums
31 or payments for subscriber contracts received in Iowa during
32 the preceding calendar year, or with paid losses in the year,
33 coinciding with or ending during the calendar year or on any
34 other equitable basis as determined by the commissioner.

35 *b.* In determining the amount of the assessments, the

1 commissioner may abate or defer in any part the assessment of a
2 health carrier, if, in the opinion of the commissioner, payment
3 of the assessment would endanger the ability of the health
4 carrier to fulfill its contractual obligations.

5 c. For purposes of calculating and conducting the
6 assessment, the commissioner shall have the express authority
7 to require health carriers to report on an annual basis each
8 health carrier's total health insurance premiums and payments
9 for subscriber contracts and paid losses.

10 *d.* Beginning on May 1, 2014, and each May 1 thereafter, the
11 commissioner shall make assessments against health carriers
12 under this section with payment due by July 1, 2014, and each
13 July 1 thereafter. Payment shall be remitted to the treasurer
14 of state and deposited in the fund to support the state poison
15 control center as provided in subsection 2.

e. For purposes of this subsection, "*total health insurance premiums*" and "*payments for subscriber contracts*" include, without limitation, premiums or other amounts paid to or received by a health carrier for individual and group health insurance coverage provided under any chapter of the Code or Acts, and "*paid losses*" includes, without limitation, claims paid by a health carrier operating on a self-funded basis for individual and group health insurance coverage provided under any chapter of the Code or Acts.

EXPLANATION

26 This bill establishes a state poison control center support
27 fund, authorizes assessments of health carriers to generate
28 moneys for deposit into the fund, and makes appropriations.

29 The bill creates the state poison control center support
30 fund in the state treasury under the authority of the
31 department of public health. The purpose of the fund is to
32 provide funding and support to the state poison control center
33 which was created in 2000 under the authority of the department
34 of public health. Moneys in the fund are appropriated to the
35 department of public health to use for the purposes of the

1 state poison control center and the department is directed to
2 adopt rules to administer the fund and payments made from the
3 fund.

4 Health carriers that report total health insurance premiums
5 and payments of subscriber contracts and paid losses in this
6 state in excess of \$100,000 per year are required to pay annual
7 assessments for deposit into the fund as determined by the
8 commissioner of insurance so that total deposits into the fund
9 from such assessments equal \$500,000 each year. Beginning
10 in 2015, the amount of the total assessments due for deposit
11 into the fund each year shall be adjusted annually to reflect
12 percentage changes in the consumer price index.

13 The commissioner of insurance is directed to determine
14 the amount assessable to each health carrier in the state in
15 proportion to each health carrier's respective share as set
16 forth in the bill. The commissioner may abate or defer any
17 assessment, if, in the commissioner's opinion, payment of the
18 assessment would endanger the ability of the health carrier
19 to fulfill its contractual obligations. For purposes of
20 calculating and conducting the assessment, the commissioner has
21 the authority to require health carriers to report on an annual
22 basis each health carrier's total health insurance premiums and
23 payments for subscriber contracts and paid losses.

24 The commissioner is required to make assessments against
25 health carriers beginning on May 1, 2014, and each May 1
26 thereafter, and payment of the assessments is due by July 1,
27 2014.